

Docket No.: 062807-0144



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Takao KUWABARA

Application No.: 10/677,479

Filed: October 03, 2003

Customer Number: 20277

Confirmation Number: 4604

Group Art Unit: 2121

Allowed: April 20, 2006

Examiner: Ramesh B. Patel

For: TURBINE APPARATUS AND GOVERNOR FOR TURBINE

**COMMENTS ON STATEMENT OF
REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied the April 20, 2006 Notice of Allowability regarding the above-identified application. Entry of that Statement into the record should not be construed as any agreement with or acquiescence by Applicant in the stated reasoning.

The Statement is a single run-on sentence. Initially, it is stated that "the prior art of record fails to teach or fairly suggest in combination with other elements and features of the claimed invention." After this opening phrase, the run-on sentence purportedly gives a first rationale for patentability with respect to claims 1-10 and 13-14 and then gives a second rationale for patentability with respect to claims 11 and 15-20.

With regard to claims 1-10 and 13-14, the statement substantially repeats a portion of the preamble and a portion of the second paragraph of claim 1. As such, the Statement overlooks

differences in scope between these claims, particularly between the independent claims. For example, independent claim 1 specifies a turbine apparatus, whereas claim 13 relates to a governor. The claims in this first group differ as to language and scope, and it is submitted that each claim is independently patentable in its own right, not just for one general reason as suggested by the Statement.

With regard to claims 11 and 15-20, the statement substantially repeats a portion of the preamble and a portion of the second paragraph of claim 11; after which it apparently attempts to quote later paragraphs of claim 11, although the recitations regarding the formulas do not match-up with the actual formulations in claim 11. As such, the Statement overlooks differences in scope between these claims, particularly between the independent claims, and it may be somewhat inaccurate or confusing in that it does not match the actual wording of any of Applicant's claims. The claims in this second group differ as to language and scope, and it is submitted that each claim is independently patentable in its own right, not just for one general reason as suggested by the Statement.

The patentable language of the allowed claims is already of record in the case and is adequately clear. Repetition of selected parts of the claim language in the Statement adds nothing substantive to the record and should not create any narrowing interpretation or estoppel with regard to any of the allowed claims or any of the recitations contained in the allowed claims. Also, the Statement should not be viewed as suggesting any claim interpretation or estoppel to the extent if any that some of the wording of the Statement may differ from the claim language.

Furthermore, the Statement's reference to the "combination" should not be construed as placing any additional weight on other individual elements of any claim or requiring some

“combination” of limitations appearing in different claims or groups of claims, and as such, should not impose any cumulative requirement for patentability or related estoppel with regard to any claim elements.

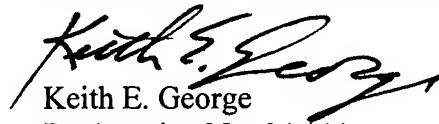
It should also be noted that the claims in this case have been allowed in the first action on the merits, without any rejection.

It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims and the supporting disclosure, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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